

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RUFINO J. VILLARREAL,

Defendant.

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8:07CR69

ORDER CONTINUING TRIAL

This matter is before the court on the defendant's motion to continue trial [24], which is now set for October 30, 2007. The defendant has filed a waiver of speedy trial, together with a waiver of jury trial. Considering the age of the case and the number of continuances already granted, the court will grant a final continuance to **December 18, 2007**. As the defendant has filed a written waiver of his right to a jury trial, the matter will be tried to the court rather than to a jury.

IT IS ORDERED that the motion to continue trial [24] is granted, in part, as follows:

1. The above-entitled case is scheduled for a **non-jury trial** before the Honorable Laurie Smith Camp, District Court Judge, to begin **December 18, 2007 at 9:00 a.m.** in Courtroom No. 2, Third Floor, Roman L. Hruska United States Courthouse, 111 South 18th Plaza, Omaha, Nebraska; because this is a criminal case, defendant(s) must be present in person. Counsel will receive more specific information regarding the order of trial from Judge Smith Camp's staff. **This is a final continuance.**

2. In accordance with 18 U.S.C. § 3161(h)(8)(A), I find that the ends of justice will be served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising as a result of the granting of the motion, i.e., the time between **October 30, 2007 and December 18, 2007**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act, 18 U.S.C. § 3161 because counsel require more time to effectively prepare the case, taking into account the nature of the case and the exercise of due diligence. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED September 13, 2007.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge